

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

NATALIE JOHNSON,

Plaintiff,

v.

ORDER

19-cv-760-wmc

C.R. BARD INC. and
BARD PERIPHERAL VASCULAR INC.,

Defendants.

Before the court is the parties' request for ruling on objections to certain deposition designations as to Krishna Kandarpa.

DEPON- ENT	PL AFFIRM	DEF OBJECTIONS	PL RESPONSE TO OBJECTIONS	COURT RULING
Kandarpa, Krishna 07/19/2018		Defendants object to the playing of Dr. Kandarpa's deposition under Rules 401, 402 and 403. Also, Plaintiff lists Dr. Kandarpa as a non-retained expert on her witness list, but he was not identified as such in her expert disclosures. Dr. Kandarpa had no involvement with the filter at issue and no involvement with any Bard filters except to ask a monitor for a clinical study performed on		OVERRULED

		<p>the Bard G2 filter over 5 years before the Meridian filter was developed at Bard. As such his testimony has no relevance and serves no purpose except to prejudice the jury.</p> <p>Bard objects to Plaintiff's references to "Admitted in the Peterson case" as a basis for allowing a designation to played, or overruling an objection, and submits that the testimony should be consider based on the facts and applicable law and rulings in this case. The Peterson case involved a different filter, different claims, and was decided under different state law.</p>		
Kandarpa, Krishna 07/19/2018	10:04-10:15		Admitted in Peterson	
Kandarpa, Krishna 07/19/2018	24:01-26:24		Admitted in Peterson	
Kandarpa, Krishna 07/19/2018	27:04-29:14		Admitted in Peterson	

Kandarpa, Krishna 07/19/2018	32:12-32:15	Leading	Admitted in Peterson The question is not leading.	OVERRULED
Kandarpa, Krishna 07/19/2018	32:21-33:10	Leading	Admitted in Peterson The question is not leading.	OVERRULED
Kandarpa, Krishna 07/19/2018	33:12-33:16	Answer to leading question	Admitted in Peterson The question is not leading.	OVERRULED
Kandarpa, Krishna 07/19/2018	34:11-34:16	Rule 701 – expert opinions. This witness was not disclosed as an expert witness.	Admitted in Peterson. he is the medical monitor and this is basic background on what he did. It is relevant information. The study in question is the Everest study cited by Bard in the IFU for the Meridian filter. The scope and extent of this testimony was disclosed in the Plaintiff's witness list [ECF No. 107]. The witness is testifying based upon his experience as the medical monitor for the Everest study. The scope and extent of this testimony	OVERRULED

Kandarpa, Krishna 07/19/2018	35:06-35:13	Rule 701 – expert opinions. This witness was not disclosed as an expert witness.	Admitted in Peterson. he is the medical monitor and this is basic background on what he did. It is relevant information. The study in question is the Everest study cited by Bard in the IFU for the Meridian filter. The scope and extent of this testimony was disclosed in the Plaintiff's witness list [ECF No. 107]. The witness is testifying based upon his experience as the medical monitor for the Everest study.	OVERRULED
Kandarpa, Krishna 07/19/2018	52:05-53:02		Admitted in Peterson	
Kandarpa, Krishna 07/19/2018	56:13-56:17	leading	Admitted in Peterson The question is not leading	RESERVED
Kandarpa, Krishna 07/19/2018	56:19-57:01	Answer to a leading question	Admitted in Peterson The question is not leading	OVERRULED
Kandarpa, Krishna 07/19/2018	57:06-57:22		Admitted in Peterson	

Kandarpa, Krishna 07/19/2018	58:07-59:01		Admitted in Peterson	
Kandarpa, Krishna 07/19/2018	63:01-63:04	Rules 401, 402 & 403 - Irrelevant and Unfairly Prejudicial. Testimony purports to address Bard's state of mind. Rule 701. Testimony is improper opinion testimony by a lay witness. (as to 63:1- 4 and 63:6-10; MDL court sustained objection in 9.12.18 order [Dkt. No. 12590])	Admitted in Peterson This is relevant as Bard sponsored a study of its G2 (essentially the same design as the Meridian and G2X) and had control over the parameters of the study. It did not look at safety or efficacy, not did it seek to confirm or refute the significant problems with the G2 filter designs. Bard later relied upon the study in determining the nature and extent of its product warnings. Bard cites to this study as clinical evidence supporting the use of the Meridian filter in its IFU.	OVERRULED
Kandarpa, Krishna 07/19/2018	63:06-63:24	Rules 401, 402 & 403 - Irrelevant and Unfairly Prejudicial. Testimony purports to address Bard's state of mind. Rule 701. Testimony is improper opinion testimony by a lay witness. (as to 63:1- 4 and 63:6-10;	Admitted in Peterson This is relevant as Bard sponsored a study of its G2 (essentially the same design as the Meridian and G2X) and had control over the parameters of the study. It did	OVERRULED

		MDL court sustained objection in 9.12.18 order [Dkt. No. 12590])	not look at safety or efficacy, not did it seek to confirm or refute the significant problems with the G2 filter designs. Bard later relied upon the study in determining the nature and extent of its product warnings. Bard cites to this study as clinical evidence supporting the use of the Meridian filter in its IFU.	
Kandarpa, Krishna 07/19/2018	67:17-67:21		Admitted in Peterson	
Kandarpa, Krishna 07/19/2018	67:24-68:03		Admitted in Peterson	
Kandarpa, Krishna 07/19/2018	68:20-69:16		Admitted in Peterson	
Kandarpa, Krishna 07/19/2018	71:18-74:03	Rules 401, 402, 403. Testimony regarding Sales/Marketing of the G2 Filter does not relate to the claims or causes of action at issue in the case; Irrelevant and any probative value outweighed by prejudicial effect. 73:23 – 74:03 – Rule 701 – witness was not disclosed as	Admitted in Peterson Again, the Meridian was nearly identical in design to the filters being discussed by the witness. The failures of the filter line and Bard's knowledge of and reaction to such failures of all G2 devices is relevant to the design	OVERRULED

		an expert – improper opinion testimony by a non- disclosed expert	defects and defective warnings. The testimony of the witness establishes his knowledge of the subject matter. Bard cites to this study as clinical evidence supporting the use of the Meridian filter in its IFU and used it in its marketing. The scope and extent of this testimony was disclosed in the Plaintiff's witness list [ECF No. 107].	
Kandarpa, Krishna 07/19/2018	74:06-74:08	Rules 401, 402, 403. Testimony regarding Sales/Marketing of the G2 Filter does not relate to the claims or causes of action at issue in the case; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, and 403 – testimony concerns what physician would have wanted to know / would expect a manufacturer to tell him/her. Rules 601/602 & 612. Lacks foundation, witness does not	Admitted in Peterson Again, the Meridian was nearly identical in design to the filters being discussed by the witness. The failures of the filter line and Bard's knowledge of and reaction to such failures of all G2 devices is relevant to the design defects and defective warnings. The testimony of the witness establishes his knowledg of the subject matter. Bard cites to this	OVERRULED

		have personal knowledge of subject matter, calls for speculation by the witness. Rule 701. Testimony is improper opinion testimony by a lay witness. (as to 74:10-14; MDL court sustained objection in 9.12.18 order [Dkt. No. 12590])	study as clinical evidence supporting the use of the Meridian filter in its IFU and used it in its marketing. The scope and extent of this testimony was disclosed in the Plaintiff's witness list [ECF No. 107].	
Kandarpa, Krishna 07/19/2018	76:19-77:08	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. (as to 77:22-78:6 and 82:22-24; witness is being ask to lay foundation for document not created by him). Page 78:24 leading. Page 80:2-4 and 12-14 leading.	Admitted in Peterson The Meridian was nearly identicle in design to the filters being discussed by the witness. The failures of the filter line and Bard's knowledge of and reaction to such failures of all G2 devices is relevant to the design defects and defective warnings. The testimony of the witness establishes his knowledge of the subject matter. The question is merely foundational and is only used as necessary to develop the witness' testimony per FRE 611.	OVERRULED

Kandarpa, Krishna 07/19/2018	77:12-79:08	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. (as to 77:22-78:6 and 82:22-24; witness is being ask to lay foundation for document not created by him). Page 78:24 leading. Page 80:2-4 and 12-14 leading.	Admitted in Peterson The Meridian was nearly identicle in design to the filters being discussed by the witness. The failures of the filter line and Bard's knowledge of and reaction to such failures of all G2 devices is relevant to the design defects and defective warnings. The testimony of the witness establishes his knowledge of the subject matter. The question is merely foundational and is only used as necessary to develop the witness' testimony per FRE 611.	RESERVED
Kandarpa, Krishna 07/19/2018	79:21-79:23	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. (as to 77:22-78:6 and 82:22-24; witness is being ask to lay foundation for document not created by him). Page 78:24 leading.	Admitted in Peterson The Meridian was nearly identicle in design to the filters being discussed by the witness. The failures of the filter line and Bard's knowledge of and reaction to such failures of all G2 devices is relevant to the design defects and	RESERVED

		Page 80:2-4 and 12-14 leading.	defective warnings. The testimony of the witness establishes his knowledg of the subject matter. The question is merely foundational and is only used as necessary to develop the witness' testimony per FRE 611.	
Kandarpa, Krishna 07/19/2018	80:02-80:21	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. (as to 77:22-78:6 and 82:22-24; witness is being ask to lay foundation for document not created by him). Page 78:24 leading. Page 80:2-4 and 12-14 leading.	Admitted in Peterson The Meridian was nearly identicle in design to the filters being discussed by the witness. The failures of the filter line and Bard's knowledge of and reaction to such failures of all G2 devices is relevant to the design defects and defective warnings. The testimony of the witness establishes his knowledg of the subject matter.	RESERVED
Kandarpa, Krishna 07/19/2018	81:07-81:19	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. (as to 77:22-78:6 and	Admitted in Peterson The Meridian was nearly identicle in design to the filters being discussed by the witness. The failures of the filter line and Bard's	RESERVED

		82:22-24; witness is being ask to lay foundation for document not created by him). Rules 106, 403 -- Plaintiffs' counsel / questioner used improper/incomplete exhibit. (as to 81:24-82:24)	knowledge of and reaction to such failures of all G2 devices is relevant to the design defects and defective warnings. The testimony of the witness establishes his knowledge of the subject matter.	
Kandarpa, Krishna 07/19/2018	81:21-81:24	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. (as to 77:22-78:6 and 82:22-24; witness is being ask to lay foundation for document not created by him). Rules 106, 403 -- Plaintiffs' counsel / questioner used improper/incomplete exhibit.	Admitted in Peterson The Meridian was nearly identical in design to the filters being discussed by the witness. The failures of the filter line and Bard's knowledge of and reaction to such failures of all G2 devices is relevant to the design defects and defective warnings. The testimony of the witness establishes his knowledge of the subject matter.	RESERVED
Kandarpa, Krishna 07/19/2018	91:17-92:13	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness.	Admitted in Peterson The Meridian was nearly identical in design to the filters being discussed by the witness. The failures of the filter line and Bard's knowledge of and	RESERVED

			reaction to such failures of all G2 devices is relevant to the design defects and defective warnings. The testimony of the witness establishes his knowledge of the subject matter.	
Kandarpa, Krishna 07/19/2018	108:10-108:12		Admitted in Peterson	
Kandarpa, Krishna 07/19/2018	109:04-109:05		Admitted in Peterson	
Kandarpa, Krishna 07/19/2018	109:15-109:16		Admitted in Peterson	
Kandarpa, Krishna 07/19/2018	119:10-119:15	Rule 701 – calls for expert testimony by a lay witness. This witness was not disclosed as an expert	Admitted in Peterson. The scope and extent of this testimony was disclosed in the Plaintiff's witness list [ECF No. 107].	OVERRULED
Kandarpa, Krishna 07/19/2018	119:17-119:21	Rule 701 – calls for expert testimony by a lay witness. This witness was not disclosed as an expert	Admitted in Peterson. The scope and extent of this testimony was disclosed in the Plaintiff's witness list [ECF No. 107].	OVERRULED
Kandarpa, Krishna 07/19/2018	120:12-120:17		Admitted in Peterson	

Kandarpa, Krishna 07/19/2018	120:21- 123:04	Rule 611(c) Leading question of witness on direct. (as to question at 123:3-4)	Admitted in Peterson question to develop testimony	RESERVED
Kandarpa, Krishna 07/19/2018	123:06- 123:12	Rule 611(c) Leading question of witness on direct. (all questions are leading)	Admitted in Peterson same as above	RESERVED
Kandarpa, Krishna 07/19/2018	123:14- 123:20	Rule 611(c) Leading question of witness on direct. (all questions are leading)	Admitted in Peterson same as above	RESERVED
Kandarpa, Krishna 07/19/2018	123:22- 124:01	Rule 611(c) Leading question of witness on direct. (all questions are leading)	Admitted in Peterson same as above	RESERVED
Kandarpa, Krishna 07/19/2018	124:04- 124:07	Rule 611(c) Leading question of witness on direct.	Admitted in Peterson same as above	RESERVED
Kandarpa, Krishna 07/19/2018	124:09- 124:10	Rule 611(c) Leading question of witness on direct. (as to answer at 124:9)	Admitted in Peterson question to develop testimony	RESERVED
Kandarpa, Krishna 07/19/2018	125:01- 125:04	No foundation. Rule 701. Testimony is improper opinion testimony by a lay witness.	Admitted in Peterson The Meridian was nearly identical in design to the filters being discussed by the witness. The failures of the filter line and Bard's knowledge of and reaction to such failures of all G2 devices is relevant to the design	OVERRULED

			defects and defective warnings. The testimony of the witness establishes his knowledge of the subject matter. The scope and extent of this testimony was disclosed in the Plaintiff's witness list [ECF No. 107].	
Kandarpa, Krishna 07/19/2018	125:07-125:18		Admitted in Peterson	
Kandarpa, Krishna 07/19/2018	125:20-126:02	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Rule 701. Testimony is improper opinion testimony by a lay witness. (as to question at 126:1-4; 9 MDL court sustained objection in 9.12.18 order [Dkt. No. 12590]) Rules 401, 402 & 403. Irrelevant and Unfairly Prejudicial.	Admitted in Peterson The Meridian was nearly identicle in design to the filters being discussed by the witness. The failures of the filter line and Bard's knowledge of and reaction to such failures of all G2 devices is relevant to the design defects and defective warnings. The testimony of the witness establishes his knowledge of the subject matter.	OVERRULED
Kandarpa, Krishna 07/19/2018	126:14-126:20	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter,	Admitted in Peterson The Meridian was nearly identicle in design to the filters being discussed by	OVERRULED

		calls for speculation by the witness. Rule 701. Testimony is improper opinion testimony by a lay witness. (as to answer at 126:6-15; MDL court sustained objection in 9.12.18 order [Dkt. No. 12590]) Rules 401, 402 & 403. Irrelevant and Unfairly Prejudicial. Testimony does not address filter, injury, or failure mode at issue.	the witness. The failures of the filter line and Bard's knowledge of and reaction to such failures of all G2 devices is relevant to the design defects and defective warnings. The testimony of the witness establishes his knowledge of the subject matter.	
Kandarpa, Krishna 07/19/2018	128:15-129:15	Rules 401, 402, and 403 – testimony concerns what physician would have wanted to know / would expect a manufacturer to tell him/her. Rules 401, 402 & 403. Irrelevant and Unfairly Prejudicial. Testimony does not address filter, injury, or failure mode at issue. Rule 701. Testimony is improper opinion testimony by a lay witness. Page 129:11-15 is a question with no answer. Counsel is testifying.	Admitted in Peterson The Meridian was nearly identicle in design to the filters being discussed by the witness. The failures of the filter line and Bard's knowledge of and reaction to such failures of all G2 devices is relevant to the design defects and defective warnings. The testimony of the witness establishes his knowledge of the subject matter.	OVERRULED

Kandarpa, Krishna 07/19/2018	134:05- 134:09	Leading	Admitted in Peterson The question is not leading	OVERRULED
Kandarpa, Krishna 07/19/2018	134:11- 135:10	134:11-18 answer to a leading question and hearsay. 135:2-10 – cumulative and leading.	Admitted in Peterson The question preceeding 134:11- 18 is not leading. The question at 135:2-10 in used to develop the witnesses testimony per FRE 611 and is not needlessly presenting cumulative testimony.	OVERRULED
Kandarpa, Krishna 07/19/2018	135:12- 136:11	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. (question and answer at 136:4-11 and 136:13-18 ask witness to speculate)	Admitted in Peterson The Meridian was nearly identical in design to the filters being discussed by the witness. The failures of the filter line and Bard's knowledge of and reaction to such failures of all G2 devices is relevant to the design defects and defective warnings. The testimony of the witness establishes his knowledge of the subject matter.	OVERRULED

Kandarpa, Krishna 07/19/2018	136:13- 137:15	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. (question and answer at 136:4-11 and 136:13-18 ask witness to speculate). Rules 401, 402 & 403. Irrelevant and Unfairly Prejudicial. Testimony does not address filter, injury, or failure mode at issue. 136:20- 137:8 cumulative. 137:9- 15 leading	Admitted in Peterson The Meridian was nearly identicle in design to the filters being discussed by the witness. The failures of the filter line and Bard's knowledge of and reaction to such failures of all G2 devices is relevant to the design defects and defective warnings. The testimony of the witness establishes his knowledge of the subject matter.	OVERRULED
Kandarpa, Krishna 07/19/2018	137:17- 137:23		Admitted in Peterson	
Kandarpa, Krishna 07/19/2018	138:02		Admitted in Peterson	
Kandarpa, Krishna 07/19/2018	138:04- 138:09		Admitted in Peterson	
Kandarpa, Krishna 07/19/2018	140:18- 140:19		Admitted in Peterson	
Kandarpa, Krishna 07/19/2018	201:05- 201:10	Rule 611(c) Leading question of witness on re-direct. Rule 701. Testimony is improper opinion	The witness is stating facts within his knowledge as the medical moniter.	SUSTAIN

		testimony by a lay witness.		
Kandarpa, Krishna 07/19/2018	201:12-202:03	Rule 611(c) Leading question of witness on re-direct. Rule 701. Testimony is improper opinion testimony by a lay witness.	The witness is stating facts within his knowledge as the medical monitor.	SUSTAIN
Kandarpa, Krishna 07/19/2018	205:20-207:13		Admitted in Peterson	
Kandarpa, Krishna 07/19/2018	208:02-208:24		Admitted in Peterson	
Kandarpa, Krishna 07/19/2018	209:03-211:07		Admitted in Peterson	
Kandarpa, Krishna 07/19/2018	211:09-212:18	Rules 106, 403. Plaintiffs' counsel / questioner used improper/incomplete exhibit. (as to 212:19-213:08)	Admitted in Peterson	OVERRULED
Kandarpa, Krishna 07/19/2018	221:15-221:24	No question designated	Plaintiff will withdraw.	
Kandarpa, Krishna 07/19/2018	222:03-222:03		Admitted in Peterson	
Kandarpa, Krishna 07/19/2018	222:05-222:08		Admitted in Peterson	
Kandarpa, Krishna 07/19/2018	222:09-223:13	223:07-13 - Leading	Admitted in Peterson	SUSTAIN AS TO 223:7-224:1 ONLY

Kandarpa, Krishna 07/19/2018	223:15- 226:19	Rules 601/602 & 612. Lacks foundation, witness does not have personal knowledge of subject matter, calls for speculation by the witness. Rule 701. Testimony is improper opinion testimony by a lay witness. (as to 221:15-222:13 and 223:2-13; doctor is being asked about internal Bard document that he has not seen before and is outside scope of his role as medical monitor). Rules 401, 402 & 403. Irrelevant and Unfairly Prejudicial. Testimony does not address filter, injury, or failure mode at issue.	Admitted in Peterson The Meridian was nearly identical in design to the filters being discussed by the witness. The failures of the filter line and Bard's knowledge of and reaction to such failures of all G2 devices is relevant to the design defects and defective warnings. The testimony of the witness establishes his knowledge of the subject matter. The scope and extent of this testimony was disclosed in the Plaintiff's witness list [ECF No. 107].	
Kandarpa, Krishna 07/19/2018	232:10- 232:14		Admitted in Peterson	
DEPON- ENT	DEF COUNTER	PL OBJECTIONS	DEF RESPONSE TO OBJECTIONS	COURT RULING
Kandarpa, Krishna 07/19/2018	141:08- 141:13			
Kandarpa, Krishna 07/19/2018	141:18- 141:21			

Kandarpa, Krishna 07/19/2018	142:06- 142:18			
Kandarpa, Krishna 07/19/2018	143:05- 143:20			
Kandarpa, Krishna 07/19/2018	144:01- 144:03			
Kandarpa, Krishna 07/19/2018	144:06- 144:12			
Kandarpa, Krishna 07/19/2018	144:18- 144:23			
Kandarpa, Krishna 07/19/2018	145:07- 145:14			
Kandarpa, Krishna 07/19/2018	146:01- 146:17			
Kandarpa, Krishna 07/19/2018	149:02- 149:08			
Kandarpa, Krishna 07/19/2018	149:19- 150:02			
Kandarpa, Krishna 07/19/2018	150:06- 152:01			
Kandarpa, Krishna 07/19/2018	152:08- 152:14			
Kandarpa, Krishna 07/19/2018	153:03- 153:04	FRE 402		OVERRULED

Kandarpa, Krishna 07/19/2018	153:08- 153:10	FRE 402		OVERRULED
Kandarpa, Krishna 07/19/2018	153:19- 153:23	FRE 402		OVERRULED
Kandarpa, Krishna 07/19/2018	155:23- 155:24			
Kandarpa, Krishna 07/19/2018	156:08- 157:08			
Kandarpa, Krishna 07/19/2018	157:11- 157:16			
Kandarpa, Krishna 07/19/2018	157:19- 158:03 ending with ...there's ambiguity.			
Kandarpa, Krishna 07/19/2018	158:08- 159:01			
Kandarpa, Krishna 07/19/2018	159:04- 159:11	Assumes facts not in evidence;calls for speculation	Witness is asked about his own personal recollection of the document. Does not assume any facts, and calls for nothing other than witness's personal recollection and knowledge.	RESERVED
Kandarpa, Krishna 07/19/2018	160:04- 160:12			

Kandarpa, Krishna 07/19/2018	160:15- 161:01			
Kandarpa, Krishna 07/19/2018	161:05- 161:06			
Kandarpa, Krishna 07/19/2018	161:20- 161:23 ending with Probably not.			
Kandarpa, Krishna 07/19/2018	162:02			
Kandarpa, Krishna 07/19/2018	162:04- 162:06 ending with No, I did not.			
Kandarpa, Krishna 07/19/2018	162:07- 162:18			
Kandarpa, Krishna 07/19/2018	162:22- 163:02			
Kandarpa, Krishna 07/19/2018	163:04- 163:09			
Kandarpa, Krishna 07/19/2018	163:12- 163:17			
Kandarpa, Krishna 07/19/2018	163:22- 164:06			
Kandarpa, Krishna 07/19/2018	164:20- 164:21			

Kandarpa, Krishna 07/19/2018	165:05- 165:07			
Kandarpa, Krishna 07/19/2018	165:16- 165:19			
Kandarpa, Krishna 07/19/2018	166:04- 166:11	assumes facts not in evidence;calls for speculation	Does not call for speculation. Question asks witness regarding his own recollection.	OVERRULED
Kandarpa, Krishna 07/19/2018	166:13- 167:18	Assumes facts not in evidence;calls for speculation	Does not call for speculation. Question asks witness regarding his own recollection.	OVERRULED
Kandarpa, Krishna 07/19/2018	169:19			
Kandarpa, Krishna 07/19/2018	169:21- 169:22			
Kandarpa, Krishna 07/19/2018	170:02- 170:06			
Kandarpa, Krishna 07/19/2018	170:12			
Kandarpa, Krishna 07/19/2018	170:17- 170:22			
Kandarpa, Krishna 07/19/2018	171:03- 171:06	Assumes facts not in evidence;calls for speculation	Does not call for speculation. Question asks witness regarding	OVERRULED

			his own recollection.	
Kandarpa, Krishna 07/19/2018	171:09	Assumes facts not in evidence;calls for speculation	Does not call for speculation. Question asks witness regarding his own recollection.	OVERRULED
Kandarpa, Krishna 07/19/2018	171:12			
Kandarpa, Krishna 07/19/2018	171:15			
Kandarpa, Krishna 07/19/2018	171:18- 171:19			
Kandarpa, Krishna 07/19/2018	172:01			
Kandarpa, Krishna 07/19/2018	172:07- 172:12			
Kandarpa, Krishna 07/19/2018	172:13- 172:15 starting with --reported filter			
Kandarpa, Krishna 07/19/2018	172:17			
Kandarpa, Krishna 07/19/2018	172:19			
Kandarpa, Krishna 07/19/2018	172:24- 173:05	Assumes facts not in evidence;calls for speculation	Does not call for speculation. Question asks	OVERRULED

			witness regarding his own knowledge.	
Kandarpa, Krishna 07/19/2018	173:14-173:19	Assumes facts not in evidence;calls for speculation	Does not call for speculation. Question asks witness regarding his own knowledge.	OVERRULED
Kandarpa, Krishna 07/19/2018	174:09-174:14 starting with Exhibit 13	Assumes facts not in evidence;calls for speculation	Does not call for speculation. Question asks witness regarding his own knowledge.	OVERRULED
Kandarpa, Krishna 07/19/2018	174:18-174:22	Assumes facts not in evidence;calls for speculation;FRE 402, 403	Does not call for speculation. Question asks witness regarding his own knowledge.	OVERRULED
Kandarpa, Krishna 07/19/2018	176:14-176:19			
Kandarpa, Krishna 07/19/2018	177:18-177:20	misstated the answer of the witness	no objection noted	SUSTAIN
Kandarpa, Krishna 07/19/2018	177:23-178:01 ending with report of it.	asked and answered	Plaintiff does not identify any previous time this question was asked and answered.	SUSTAIN
Kandarpa, Krishna 07/19/2018	178:07-178:19	FRE 402	Plaintiff does not identify how this testimony may be irrelevant to the issues in this case, so Bard is left to guess what Plaintiff means. Bard notes, however, that adverse event reporting is directly relevant to	OVERRULED

			Plaintiff's attempts to use comparative rates of complications, based on these adverse event reports, to establish that Bard's IVC filters are defectively designed.	
Kandarpa, Krishna 07/19/2018	179:18-180:06			
Kandarpa, Krishna 07/19/2018	181:06-181:07			
Kandarpa, Krishna 07/19/2018	181:09-181:14			
Kandarpa, Krishna 07/19/2018	181:18-181:20			
Kandarpa, Krishna 07/19/2018	182:17			
Kandarpa, Krishna 07/19/2018	182:22-183:09	hearsay;calls for speculation	Testimony not offered to prove the truth of the matter asserted. There is no call for speculation regarding the details of this study.	SUSTAIN
Kandarpa, Krishna 07/19/2018	183:12-183:14	hearsay;calls for speculation	Testimony not offered to prove the truth of the matter asserted. There is no call for	SUSTAIN

			speculation regarding the details of this study.	
Kandarpa, Krishna 07/19/2018	183:16	FRE 602	Answer does not provide any information not from witness' personal knowledge.	SUSTAIN
Kandarpa, Krishna 07/19/2018	186:06-186:10			
Kandarpa, Krishna 07/19/2018	187:07-187:19 ending with No, I don't.	misstated the answer of the witness	Plaintiff fails to explain how this designation misstates the witness' answer. In fact, it does not.	OVERRULED
Kandarpa, Krishna 07/19/2018	187:23-188:03 ending with ...if it did.	FRE 402, 403, 602	Bard's dissemination of this data to physicians is relevant in this case. Question does not seek, nor does answer provide, any information not from witness' personal knowledge.	OVERRULED
Kandarpa, Krishna 07/19/2018	188:08 I don't know	FRE 602, calls for hearsay	Phrase "I don't know" neither calls for hearsay nor provides any information or testimony outside plaintiff's personal knowledge.	SUSTAIN

Kandarpa, Krishna 07/19/2018	188:10- 188:12	fre 602; calls for hearsay	Question confirming that witness does not have knowledge does not seek, nor does answer confirming lack of knowledge provide, any information outside witness' own perception. Nor does this call for any hearsay.	OVERRULED
Kandarpa, Krishna 07/19/2018	191:09- 191:12			
Kandarpa, Krishna 07/19/2018	191:24- 192:08 ending with No, I don't.			
Kandarpa, Krishna 07/19/2018	193:16- 194:04 ending with Yeah.	FRE 402, 403	Goes to bias.	RESERVED
DEPON- ENT	PL COUNTER S TO COUNTER S	DEF OBJECTIONS	PL RESPONSE TO OBJECTIONS	COURT RULING
Kandarpa, Krishna 07/19/2018	152:02- 152:07			
Kandarpa, Krishna 07/19/2018	158:04- 158:07 completeness			

Kandarpa, Krishna 07/19/2018	161:23- 161:24 completeness			
Kandarpa, Krishna 07/19/2018	162:01 completeness			
Kandarpa, Krishna 07/19/2018	186:11- 186:13 completeness			
Kandarpa, Krishna 07/19/2018	187:19- 187:22 completeness			

Accordingly, IT IS ORDERED that the parties' request for rulings on objections to certain designations is GRANTED, and the objections are sustained in part and overruled in part as provided above.

Entered this 4th day of June, 2021.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge